

# City of Gainesville

*City Hall  
200 East University Avenue  
Gainesville, Florida 32601*



## **Meeting Agenda**

**July 01, 2010**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

***Mayor Craig Lowe (At Large)***

***Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)***

***Commissioner Scherwin Henry (District 1)***

***Commissioner Lauren Poe (District 2)***

***Commissioner Jack Donovan (District 3)***

***Commissioner Randy Wells (District 4)***

***Commissioner Thomas Hawkins (At Large)***

***Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.***

## CALL TO ORDER

## AGENDA STATEMENT

*"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."*

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 090004.

#### **US Fire Administration Grant for Firefighter Operations and Safety - Revised Match (NB)**

**This item involves a request for the Commission to authorize the City Manager to increase the approved amount of match funding available for this grant.**

*Explanation: In May 2009, Gainesville Fire Rescue applied to the United States Fire Administration for a federal Assistance to Firefighters Grant (AFG) for the purchase of staffing software. At the time of application, the City's 20% match was projected to be no greater than \$13,950. The AFG application was approved on April 23, 2010 and is open through April 22, 2011. The grant award was increased by the USFA by an inflationary amount of approximately 7% from \$69,750 to \$78,750. This brings the City's 20% match amount to \$15,750.*

*Fiscal Note: The additional match amount of \$1,800 will be identified within the departmental budget.*

#### **RECOMMENDATION**

*The City Commission authorize the City Manager to approve expending the increase in matching funds.*

*Alternative Recommendation A: The City Commission not authorize the City Manager to approve expending the increase in matching funds.*

Legislative History

5/21/09 City Commission Approved as Recommended (6 - 0 - 1 Absent)

**100038.****Rosewood Trash Trap Project (NB)**

**This item is a request to authorize the City Manager to award the construction bid and to execute the construction contract and related documents for the Rosewood Trash Trap Project.**

*Explanation: The City of Gainesville has been designated to receive funding from the State of Florida Department of Environmental Protection (DEP) for the Rosewood Trash Trap Project. The project which is to be located in a wooded undeveloped lot just west of SE 9th Street in the vicinity of SE 10th Avenue, proposes to construct a structure to allow for the collection and removal of floating debris from the Rosewood Branch creek during storm events.*

*It is the desire of the State Administration to accelerate the construction of this project in an effort to maintain the available funding. This procurement is being done by competitive formal bid; however, by authorizing the City Manager to award the construction bid and execute the associated contract and related documents, provided the bid is within identified funding, and subject to approval by the City Attorney as to form and legality, an estimated minimum of three (3) weeks may be deducted from the start of construction schedule.*

*Fiscal Note: Funding in the amount of \$500,000 plus a 15% contingency amount for a total of \$575,000 is allocated and identified in the following sources for this project: DEP Grant Agreement No. G0181 (\$309,555) and Stormwater Management Utility (\$265,445).*

**RECOMMENDATION**

*The City Commission: 1) approve the purchase of the Rosewood Trash Trap Project in an amount not to exceed \$575,000; 2) authorize the City Manager to award the bid for the Rosewood Trash Trap Project to the lowest responsive, responsible bidder, provided the bid award does not exceed \$575,000; 3) authorize the City Manager to execute the construction contract and related documents, subject to approval by the City Attorney as to form and legality.*

**100041.****Second Amendment to Agreement with MV Transportation, Inc. (B)**

**This item is a request to amend the agreement between the Regional Transit System (RTS) and MV Transportation, Inc., to provide service to any resident living outside the Gainesville city limits but within Alachua County and to include wording regarding the installation of Mobile Data Terminals (MDTs) for City vehicles currently leased to MV Transportation, Inc.**

*Explanation:* Regional Transit System (RTS) applied for and was awarded USC Section 5311 grant funds to purchase Demand Response trips for any resident living outside the Gainesville city limits but within Alachua County. RTS entered into a Joint Participation Agreement (JPA) with the Federal Transit Administration (FTA) to receive those funds. As a condition of the grant, RTS must also have an agreement with the service provider, MV Transportation, Inc., for the Demand Response trips. RTS currently has an agreement with MV Transportation, Inc., to provide paratransit services within the RTS service area but needs an amendment to the agreement to include Demand Response trips and to include wording regarding the funding source for the installation of Mobile Data Terminals (MDTs) for City vehicles currently leased to MV Transportation, Inc. which was previously approved by the City Commission on March 10, 2010.

Because the 5311 funds are considered Non-urbanized Area funds, the trip rates will utilize the same rates as Transportation Disadvantaged (TD) trips, as agreed to by the Local Coordinating Board (LCB) and the TD Commission.

*Fiscal Note:* No city funds will be used to provide this service. The \$415,274 paid to RTS by Alachua County to provide the Route 75 will be used as a match for the USC 5311 Federal Grants to purchase Demand Response trips. The funding for the MDTs was awarded to RTS on November 2, 2009 from USC 5310 Elderly and Persons with Disabilities grant funds in the amount of \$64,610. The local match will be taken from Capital Replacement funds.

**RECOMMENDATION**

The City Commission authorize the City Manager to execute the Second Amendment with MV Transportation, Inc., and related documents, subject to approval by the City Attorney as to form and legality.

100041\_Amend Contract\_20100701.pdf

**100042.**

**Non-Ad Valorem Assessment for Solid Waste Management (B)**

**This item is a request for the City Commission to authorize the City Attorney to draft an ordinance allowing the assessment for solid waste management to continue inside the city limits for three additional years.**

*Explanation:* Since October 1, 1997, the Alachua County Commission has approved a non-ad valorem assessment for solid waste management in order to cover the cost of the Waste Alternatives program, the Household Hazardous Waste program and approximately 36% of the Rural Collection Center program. Beginning with the 1997-98 fiscal year, all municipalities in Alachua County, except for LaCrosse, have approved ordinances allowing the collection of the assessment within their respective municipal limits. (LaCrosse chose to pay a surcharge on the tipping fee instead of the assessment. The surcharge for the current fiscal year is \$25.80 per ton.) All of the municipal ordinances expire September 30, 2010. The Board of County Commissioners is requesting that the City of Gainesville adopt an ordinance allowing the assessment for solid waste management to continue inside the municipal limits for three (3) additional years, effective October 1, 2010 through September 30, 2013.

*The Waste Alternatives Program provides public education and resources for our community emphasizing a new philosophy in waste reduction: Embrace Zero Waste. Zero Waste encourages the elimination of the inefficient use of our resources. Waste Alternatives programs help accomplish this by focusing on source reduction, reuse, recycling, composting, household hazardous waste and litter prevention through a variety of learning tools. Waste Alternatives Specialists visit schools throughout the County using a curriculum approved by the school board for students in grades Pre-K through 12. Waste Alternatives staff also provides presentations to civic groups and businesses. A large multi-media campaign supports the program and serves as an additional outreach mechanism to our community. Waste Alternatives also provides recycling containers for special events, manages the Alachua County commercial recycling program, sponsors special recycling events, operates a reusable resource center for teachers (Tools for Schools) in cooperation with the Alachua County School Board, and acts as liaison between the waste haulers and recyclers and residents and businesses. These activities are county-wide and include all municipalities.*

*The Alachua County Environmental Protection Department's Hazardous Waste program provides collection, recycling and disposal of Household Hazardous Waste (HHW) including automotive fluids, paints, toxic chemicals, fluorescent lamps and electronic scrap through the Alachua County Household Hazardous Waste Collection Center at the Leveda Brown Environmental Park, at the Rural Collection Centers and through periodic mobile HHW collection events throughout the county. In addition, the program provides emergency response for hazardous materials incidents, inspection and monitoring of small quantity hazardous waste generators and complaint investigations regarding hazardous materials and wastes. The program also provides, on a fee basis, hazardous waste disposal services for conditionally exempt small quantity generators of hazardous waste. All activities are county-wide and include all municipalities.*

*The Rural Collection Centers provide drop-off sites for residential solid waste, recycling and non-toxic household hazardous waste. The Rural Collection Centers are funded through two sources. Approximately 64% of the funds come from the Rural Collection Center assessment (assessed to rural residents of unincorporated Alachua County) and about 36% from the Solid Waste Management assessment (assessed to all residents of the county except for rural, unincorporated residents). The proportion from each funding source is based upon a survey of users of the collection centers to determine what percentage are rural residents as compared to municipal and County mandatory curbside collection residents.*

*Fiscal Note: There is no fiscal impact associated with this request.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to draft an ordinance allowing the assessment for solid waste management to continue inside the municipal limits of Gainesville for three (3) additional years.*

100042\_Alternatives\_20100701.pdf

100042\_Assessment\_20100701.pdf

100042\_Rates\_20100701.pdf

**100043.****Assistance to Firefighters Grant FY2010 Application for Backup Paging and Engine Equipment (NB)**

**This item requests that the Commission authorize the City Manager to execute a grant award, if awarded, for the FY2010 Assistance to Firefighters Grant for backup paging and engine equipment.**

*Explanation:* In May 2010, Gainesville Fire Rescue (GFR) submitted an application for Federal funds under the Assistance to Firefighters Grant for FY2010. The application seeks funding for equipment that will maintain the department's preparedness to rapidly deploy equipped emergency assets to incidents, including a remote paging module and server that will allow the initial function of dispatching to occur from a secondary location should there be a primary system failure, and the equipment required to complete the stocking of two spare engine companies. This will enable GFR to activate two additional staffed assets with the appropriate tools and equipment aboard during times of need.

*Fiscal Note:* The total cost of the project is estimated at \$83,342; the Federal Share is 80% or \$66,673.60; and the Applicant Share is expected to be 20% or \$16,668.40. Matching funds will be identified in the GFR operating budget.

**RECOMMENDATION**

*The City Commission authorize the City Manager, if awarded the grant, to: 1) execute the grant award contract and other necessary documents, pending approval by the City Attorney as to form and legality; and 2) approve the required payments process for expending the grant funds and matching funds.*

*Alternate Recommendation A: The City Commission not authorize the City Manager to execute the grant award contract or provide the required match funding.*

**100049.****Increase amount of Purchase Order for Lewis Oil Company for the Gainesville Police Department (NB)**

*Explanation:* This is to request a \$150,000 be added to the Gainesville Police Department's purchase order for Lewis Oil Company for the purchase of fuel. Currently we have \$525,727 on the purchase order and have spent approximately \$452,000 as of June 1, 2010 which leaves us with \$73,727 for four months. This amount is not enough to cover GPD's fuel expenses until September 30, 2010.

*Fiscal Note:* Funds in the amount of \$150,000 for this expenditure are available in the Gainesville Police Department's general funds overall budget.

**RECOMMENDATION**

*The City Commission approve the increase of \$150,000 for the purchase order to Lewis Oil Company.*

**100056.****COPS Hiring Program (CHP) (NB)**

*Explanation:* The Gainesville Police Department (GPD) has been contacted by the COPS office regarding its intent to participate in the 2010 COPS Hiring Program (CHP). GPD's 2009 CHP application was placed in a pending category after review last year. Up to \$298 million is appropriated and available in fiscal year 2010 for agencies whose applications were placed in a pending category by the CHP. GPD is eligible to apply for up to 15 full-time sworn entry-level law enforcement officers that will receive 100% funding for salaries and fringe benefits for a three year period (October 2010 through September 2013). Application for this funding would not be utilized to add positions to GPD's sworn workforce. This funding would be utilized to address those sworn positions currently vacant and effected by the City's hiring freeze as well as address those vacancies that may occur because of layoffs of sworn officers.

*Fiscal Note:* The Federal grant will provide 100% funding for the approved entry-level salaries and fringe benefits for three years (2010-2013). At the conclusion of the third year the City of Gainesville would be responsible for all salary and benefits for each officer retained/hired under the COPS Hiring Program (CHP).

**RECOMMENDATION**

The City Commission authorize the City Manager to apply for the COPS Hiring Program.

**100061.****Edward Byrne Memorial Justice Assistance Grant Application (NB)**

**This item request City Commission authorization to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds (State Solicitation) in the amount of \$9,000 for the SAFE-T Kiosk, \$15,000 for the Sexual Predator and Offender Tracking Program and \$15,000 for the You and the Law Program.**

*Explanation:* The Edward Byrne Memorial Justice Assistance Grant (State Solicitation) is a competitive grant opportunity consisting of \$179,861 in Federal funding allocated for government entities within Alachua County. The Alachua County Sheriff's Office serves as the Grant Administrator and automatically receives 10% (\$17,986) leaving the county \$161,875 to fund continuing and new programs. On June 9, 2010, the Gainesville Police Department presented three programs for consideration by the Policy Board. Two of the programs are continuing efforts: The SAFE-T Kiosk and the Sexual Predator and Offender Tracking Program. Both of these programs requested funding for overtime details. The SAFE-T Kiosk program is nationally recognized and provides information and safety options to individuals in specific areas who are at-risk of becoming a victim of crime. The Sexual Predator and Offender Tracking Program monitors and enforces the terms of probation for sexual predators and offenders with the City of Gainesville. The third program is a new community education effort entitled 'You and the Law'. This program is designed to inform youth and adults about their rights, the law, police policy and practices and the development of appropriate communication strategies. Funding for this

program will provide partial support for a part-time coordinator that will train peer educators, produce presentation materials and oversee the assessment of the program. The Byrne Grant Advisory Committee unanimously supported the Gainesville Police Department's funding requests for these programs.

*Fiscal Note:* Each application is for a one-year funding cycle that will begin in FY 2010-11. The current Federal regulations do not require a match for this grant. The total award amount for all three programs is \$39,000.

...Recommendation

The City Commission authorize the City Manager to execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.

### **100063.**

#### **Project Safe Neighborhood Northern District of Florida/Tactical Impact Unit FY 2011 (NB)**

*Explanation:* This project provides funding for overtime expenditures associated with the identification and apprehension of violent criminals including sexual predators/offenders in possession of firearms in the City of Gainesville. The Tactical Impact Unit provides a bridge between first responders and major case detectives. This project funds activities that identify the most violent offenders within the City who have the highest probability of reoffending. The Tactical Impact Unit has conducted more than 200 investigations since the project began in 2007. One hundred twenty-eight criminals have been arrested for firearm offenses and thirty firearm/narcotic search warrants have been executed. It should be noted that the work of this unit has removed close to 100 firearms from the streets of Gainesville since 2008.

*Fiscal Note:* The \$40,000 in grant funds provided by the Florida Department of Law Enforcement is provided for overtime expenditures for the Tactical Impact Unit and Sexual Predator/Offender details for the Gainesville Police Department. There are no required local matching funds for this grant award.

#### **RECOMMENDATION**

The City Commission approve the Project Safe Neighborhood grant and authorize the City Manager to apply for, accept, and execute the grant award and any other necessary documents subject to approval by the City Attorney as to form and legality; and approve the overtime expenditures as outlined in the approved grant award.

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**



**100108.****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of May 24, 2010, June 3, 2010, June 7, 2010, and June 17, 2010, as circulated.*

100108\_spec\_may 24\_20100701.pdf  
 100108a\_reg\_June 3\_20100701.pdf  
 100108b\_spec\_June 7\_20100701.pdf  
 100108c\_reg\_june 17\_20100701.pdf

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****090589.****Addressing the Issue of Socio-economic Status of Families with Children (B)**

*Explanation: On March 8, 2010, the City Commission in a workshop heard a report from Dr. Kate Stowell regarding services to be offered in conducting a study of child well-being in Gainesville. Subsequently, the EO Director presented the report before the City Commission at the March 8, 2010 meeting, but since there was no total amount of costs for the study, the City Commission suggested obtaining that information along with a funding source for the study. Dr. Stowell subsequently provided information indicating her costs would not exceed \$4,500. Additionally, staff recommended transferring funds in the amount of \$4,500 from the Entrepreneurial Charter School Account in the Economic Development Fund.*

*Fiscal Note: The Entrepreneurial Charter School Account in the Economic Development Fund has a balance of \$50,000.*

**RECOMMENDATION**

*The City Commission: 1) accept staff's recommendations to retain Dr. Kate Stowell at an amount not to exceed \$4,500; and 2) authorize the transfer of \$4,500 from the Entrepreneurial Charter School Account in the Economic Development Fund.*

**Legislative History**

12/3/09	City Commission	Approved as shown above (See Motion) (4 - 0 - 3 Absent)
3/8/10	City Commission	Heard
3/18/10	City Commission	No Action Taken

090589\_Office EO\_Memo\_20100308.pdf  
 090589\_PPT\_20100308.pdf  
 090589\_Florida's Child\_Rpt\_20100308.pdf  
 090589\_Work Statement\_Rpt\_20100318.pdf  
 090589\_proj costs\_20100701.pdf

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****100062.****Edward Byrne Memorial Justice Assistance Grant Program FY 2010  
Formula Program: Local Solicitation (NB)**

**The City Commission will hold a public hearing on the proposed use of \$104,608 from the Edward Byrne Memorial Justice Assistance Grant (JAG) funds and will approve the grant application for these funds.**

*Explanation: The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, has announced available grant funds to local units of government through the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The City of Gainesville is eligible to receive \$104,608 in funding through this grant. The JAG program allows local governments to support a broad range of activities to prevent and control crime. The funding distribution is based on population and crime statistics, as well as law enforcement expenditure data. The JAG Program blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed the most. The Gainesville Police Department proposes to utilize the funds received under this grant to purchase additional digital in-car video cameras for patrol vehicles, forensic equipment to support crime scene investigation, supplies for Reichert House Youth Academy and for the Citizens on Patrol Program, and instructional video programming.*

*Fiscal Note: The \$104,608 in grant funds provided by the U.S. Department of Justice through the Edward Byrne Memorial Justice Assistance Grant is distributed up front instead of on a reimbursement basis. The award can fund projects beyond a four year period, allowing successful initiatives to receive funding to continue and expand their efforts. There are no required local matching funds for this grant award.*

**RECOMMENDATION**

*The city Commission: 1) hear a report from staff on the City's proposed use of these funds; 2) authorize the City Manager to accept and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and 3) approve the expenditures as outlined in the approved grant award.*

**091063.****Request to Surplus an Unimproved Segment of Northeast 14th Street (B)**

**This item is a request for the City Commission to declare an unimproved segment of Northeast 14th Street as surplus property.**

*Explanation: At the February 18, 2010 City Commission meeting, Pastor Alvin Ford of Mount Olive Primitive Baptist Church, gave a presentation regarding pedestrian traffic on the unimproved segment of Northeast 14th Street causing litter and security concerns to the church. The Mount Olive Primitive Baptist Church owns the property on both sides of the unimproved segment (the segment is shown in red on the attached parcel and aerial map). This portion of Northeast 14th Street was conveyed to the City in 1962 by deed for \$500. The City purchased the property for the purpose of right-of-way connectivity; however, the property was never improved. There does appear to be pedestrian activity using the property to connect residents north of the church to the area to the south. The Waldo Road Trail is located approximately 600 feet to the west and sidewalks are available along Northeast 15th Street, approximately 400 feet to the east. According to the Tax Appraiser's value of the adjacent vacant parcels, this segment of Northeast 14th Street would have a value of \$4,800.*

*Staff has reviewed the area and does not see a current or future need for a vehicular connection in this area. There does appear to be a demand for a pedestrian connection; however that need could be met via the Waldo Road Trail or the sidewalk along NE 15 Street as noted above. If the City Commission desires to retain the right of way to reserve for future use staff would pursue the construction of a pedestrian/bicycle connection using CDBG funds if the community desires such a connection.*

*Fiscal Note: There is no fiscal impact. The church will pay all of the closing costs associated with the sales transaction.*

**RECOMMENDATION**

*The City Commission: 1) approve the request to declare this portion of Northeast 14th Street as surplus; 2) authorize the sale of this portion of Northeast 14th Street to Mount Olive Primitive Baptist Church for a sales price of \$4,800; 3) authorize the City Manager to execute a Purchase and Sale Contract for this portion of Northeast 14th Street, subject to approval by the City Attorney as to form and legality; and 4) authorize the Mayor to execute, and the Clerk to attest the Special Warranty Deed, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation*

*The City Commission deny the request to declare this portion of Northeast 14th Street as surplus and retain this portion of property for future right-of-way connectivity.*

Legislative History

6/17/10 City Commission Continued

091063\_Maps\_20100617.pdf

091063\_Photos\_20100617.pdf

**GENERAL MANAGER FOR UTILITIES****100104.****Solar Feed In Tariff Program Update (B)**

**Staff is providing an update on the Solar Feed in Tariff (FIT) program including the status of the program, changes to the application process, and the proposed FIT rates and available capacity for 2011.**

*Explanation: In March 2009 GRU became the first utility in the USA to offer a European style Feed in Tariff through which GRU purchases solar photovoltaic electricity from system owners at a guaranteed price via a twenty year contract. FIT owners for 2009 and 2010 received the same contractual pricing. Future year pricing would include "degression", or the intent to decrease the tariff rate based on market results and the assumption that system prices would decline over time. The program also included a 4 MW per year cap and authorized the General Manager to create administrative guidelines to handle over subscription in a given year. The response was overwhelming and the capacity queue of 4 MW per year filled through 2016 at which point a moratorium on accepting new applications was imposed.*

*Staff has performed the requisite studies and is proposing new FIT rate classes and energy prices to take effect in 2011. The basis of the recommendation will be presented. For a variety of reasons, some of the originally subscribed future capacity is available for new applications. Staff has worked with solar contractors in the community and is proposing a new method for managing the application process. The key features of the revised process include limiting the application cycle to one year at a time, inclusion of processing and capacity reservation fees, a capacity set aside for residential systems, a limit on system size per location, and prohibition of switching from existing net metering installations to the FIT program.*

*Staff proposal is to add another class of FIT system to represent systems less than 10 kW in capacity. This first class of system size includes both roof top and ground mount systems. The energy payment will remain at 0.32 \$/kWh for this class and a non-refundable processing fee of \$500 will be instituted. The second class of system size is roof top with between 10 and 300 kW of capacity and ground mount with between 10 and 25 kW of capacity. For this second class, the energy payment is proposed to be 0.29 \$/kWh, with a non-refundable processing fee of \$1200 and a refundable capacity reservation deposit of \$30/kW. The third class of system size is ground mount systems of between 25 and 1000 kW of capacity for which the energy charge is proposed to be 0.24 \$/kWh with a non-refundable processing fee of \$1200 and a refundable capacity reservation deposit of \$30/kW.*

*Fiscal Note: The purchased power cost of the FIT will be included in the budget proposal for*

FY 2011-FY2012.

**RECOMMENDATION**

*The City Commission receive a presentation from staff on the status of GRU's programs and direct the City Attorney to draft, and City Clerk to advertise, ordinances to adopt the recommended 2011 rate classes, energy payment prices, processing fees, and capacity reservation deposits.*

100104\_solarfeedtariff\_20100701.pdf

## CITY ATTORNEY

### 100097.

#### **SENATE BILL 1752 - DEVELOPMENT ORDER AND BUILDING PERMIT EXTENSIONS (B)**

*Explanation: On May 28, 2010, the Governor signed Senate Bill 1752 (now Chapter 2010-147, Laws of Florida) commonly referred to as the "Jobs Bill" ("SB1752") into law. While SB1752 covers many diverse economic development issues, this agenda item is limited to issues related to planning and development as affect the City of Gainesville. SB1752 contains two such issues.*

*First, SB 1752 reauthorizes certain actions that a local government may have taken pursuant to last year's Senate Bill 360. This reauthorization includes: any two-year extensions of City issued development orders and building permits that were granted, any amendments to the comprehensive plan that were adopted to implement the state-mandated transportation concurrency exception areas, and any projects that were processed as exempt from the state DRI review process. The Bill Analysis prepared by Senate Staff states that this reauthorization language was included in an attempt to make any court judgment that SB 360 is invalid prospective in application to avoid harming those who relied on the provisions of SB 360. As you may recall, the City of Weston, joined by 19 other local governments filed a challenge to SB 360 on July 8, 2009. The lawsuit alleges that SB 360 should be invalidated as it violates Article VII, Section 18 of the Florida Constitution, which prevents the legislature from imposing requirements on local governments without providing a means to pay for such requirements unless certain requirements are satisfied (the Unfunded Mandate Provision), and violates Article III, Section 6 of the Florida Constitution, which requires that every law embrace only one subject (the Single Subject Provision). A hearing was held on June 3, 2010 on the plaintiff's motion for summary judgment; but that motion has not yet been ruled on by the Court.*

*Second, SB 1752 provides for another 2-year permit extension, in addition to that granted by SB 360. Under SB 1752, holders of permits with an expiration date of September 1, 2008 through January 1, 2012, have until December 31, 2010, to extend and renew their permits for a period of 2 years from its current date of expiration.*

*Just as the City did with SB 360 last year, City staff recommends that the City Commission consider adopting, by ordinance, procedures and fees to provide clarity in the processing, administration and documentation of the SB 1752*

permit extensions. City staff recommends that the fees remain the same as the 2009 ordinance: for development orders \$48.75 per development project and \$24.38 within the Enterprise Zone, and for building permits \$48.75 per development project.

**RECOMMENDATION**

The City Commission 1) hear a presentation from staff, and 2) authorize the City Attorney to draft and the Clerk of the Court to advertise an Ordinance establishing administrative procedures and fees to carry out the development order and building permit extensions authorized by Senate Bill 1752.

100097\_Ch 2010-147 Laws of Florida\_20100701.pdf

## CITY AUDITOR

## EQUAL OPPORTUNITY DIRECTOR

### 090791.

#### **Gainesville Mentoring Initiative (NB)**

*Explanation:* On April 1, 2010, the Gainesville City Commission adopted a mentoring initiative that will be modeled after the "Take Stock in Children" mentoring program offered by the Alachua County Schools Foundation. Although the initiative was adopted, the Commission requested staff to give consideration to three issues and return the matter before the Commission for deliberation of the name of the initiative; the funding for the initiative; and the type of branding for the initiative. After consideration, staff recommends: 1) that the name of the mentoring initiative be the Gainesville Mentoring Initiative; 2) that no request for funding from the 2010-2011 and 2011-2012 budgets be submitted, but that an amount of \$45,500 be transferred from the Entrepreneurial Charter School Account in the Economic Development Fund, which will provide funding for the mentoring initiative for budget years 2010-2011 and 2011-2012; and 3) that the mentoring initiative maintain a City of Gainesville brand as opposed to being merged into the existing "Take Stock In Children" program, and be publicly identified as a separate program of the City of Gainesville.

*Fiscal Note:* The Entrepreneurial Charter School Account in the Economic Development Fund has a balance of \$50,000.

**RECOMMENDATION**

The City Commission: 1) accept staff's recommendations; and 2) authorize the transfer of \$45,500 from the Entrepreneurial Charter School Account in the Economic Development Fund into an account established for funding of the mentoring initiative.

**Legislative History**

4/1/10 City Commission Approved as Amended (6 - 0 - 1 Absent)

090791\_PPT\_20100401.pdf

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**100106.**

**Commissioner Thomas Hawkins (B)**

**RECOMMENDATION**            *The City Commission discuss Commissioner Hawkins proposals.*

100106\_proposals\_20100701.pdf

**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**100064.**

**National Aquatic Month - July 2010 (B)**

**RECOMMENDATION**            *Gainesville Sports Organizing Committee Jack Hughes and PK Yonge's Mike Davidson to accept the proclamation.*

100064\_AquaticMonth\_20100701.pdf

**100065**

**Americans with Disabilities Act Awareness Month - July 2010 (B)**

**RECOMMENDATION**            *City of Gainesville Equal Opportunity Director Cecil Howard to accept the proclamation.*

100065\_Proc\_20100701.pdf

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED****100040.**

**Resolution to enter into a Memorandum of Agreement with the Alachua County Board of County Commissioners for Traffic Signal Maintenance (B)**

**This item is a Resolution for approval and authorization to enter into a Memorandum of Agreement with the Alachua County Board of County Commissioners, allowing the City of Gainesville to provide maintenance for the proposed traffic signal equipment at a Florida Department of Transportation (FDOT) Local Area Project site known as the SW 62nd Boulevard Interim Projects.**

*Explanation: FDOT is preparing to undertake a Local Area Project known as the SW 62nd Boulevard Interim projects within the boundaries of the City of Gainesville. FDOT also requires that the County agree to maintain all traffic signalization equipment considered non-standard by FDOT for that portion of this project that is located within the FDOT Right of Way at the intersection of SR 24 and SW 40th Boulevard. As the City of Gainesville is the maintenance agency for all of the traffic signals in Alachua County, this Memorandum of Agreement is required prior to construction.*

*Fiscal Note: Funding is available in the Public Works FY10 operating budget.*

**RECOMMENDATION**            *The City Commission: 1) adopt the Resolution.*

100040\_Resolution\_20100701.pdf

**ADOPTION READING****090952.**

**LAND USE - EAGLESROCK INTERNATIONAL, LLC (B)**

**Ordinance No. 0-10-12; Petition No. PB-09-177 LUC  
An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain property located at 4123 Southwest 50th Street and more specifically described in this ordinance from the Alachua County land use category of "Low Density Residential (1-4 DU/acre)" to the City of Gainesville land use categories of "Residential Low-Density (up to 12 units per acre)" and "Conservation"; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: This petition and ordinance propose to amend the City of Gainesville 2000-2010 Comprehensive Plan and Future Land Use Map by changing the land use category from the Alachua County land use category of "Low Density Residential (1-4 DU/acre)" to the City of Gainesville land use categories of "Residential Low-Density (up to 12 units per acre)" on the eastern 1.21 acres of the property and "Conservation" on the western 1.14 acres of the property.*



*The continuance is recommended because the notice requirements for the petition were not met in time for a public hearing to occur on July 1, 2010.*

**RECOMMENDATION**            *The City Commission (1) continue the petition hearing on Petition PB-09-177 LUC to a date certain of July 15, 2010; and (2) continue the adoption hearing of the proposed ordinance to a date certain of July 15, 2010.*

090952\_draft ordinance\_20100701.pdf  
 090952\_staff report\_20100715.pdf  
 090952A\_maps\_aerial\_existing & proposed land use\_20100715.pdf  
 090952B\_aerial map\_hogtown prairie ecosystem\_20100715.pdf  
 090952C\_school capacity review\_20100715.pdf  
 090952D\_environmental review-20100715.pdf  
 090952E\_application & workshop info\_20100715.pdf  
 090952F\_pt1\_justification report\_20100715.pdf  
 090952G\_pt2\_justification report\_20100715.pdf  
 090952H\_legal description\_20100715.pdf  
 090952I\_100201\_cpb mintues\_20100715.pdf  
 090952J\_staff ppt\_20100715.PDF

## **ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

### **090953.**

#### **ZONING - EAGLESROCK INTERNATIONAL, LLC (B)**

##### **Ordinance No. 0-10-13; Petition No. PB-09-178 ZON**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property within the City, located at 4123 Southwest 50th Street, as more specifically described in this Ordinance, from the Alachua County zoning district of "Single family, Low Density" (R-1a), 1-4 dwelling units per acre to the City of Gainesville zoning districts of "Single-family residential" (RSF-4), 8 units per acre, and "Conservation" (CON), providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: This petition and ordinance propose to rezone certain property from the Alachua County zoning district of Single family, Low Density (R-1a), 1-4 dwelling units per acre, to the City of Gainesville zoning districts of "Single-family residential" (RSF-4), 8 units per acre on the eastern 1.21 acres of the property, and "Conservation" (CON) on the western 1.14 acres of the property.*

*The continuance is recommended because the notice requirements for the petition were not met in time for a public hearing to occur on July 1, 2010.*

*Should the ordinance pass on first reading on July 15, 2010, the second and final reading will be held on August 5, 2010.*

**RECOMMENDATION**            *The City Commission (1) continue the petition hearing on Petition PB-09-178 ZON to a date certain of July 15, 2010; and (2) continue the first reading of the*

*proposed ordinance to a date certain of July 15, 2010.*

090953\_draft ordinance\_20100701.pdf  
 090953\_staff report\_20100715.pdf  
 090953A\_maps\_aerial\_existing\_proposed zoning\_20100715.pdf  
 090953B\_aerial map\_hogtown prairie strategic\_20100715.pdf  
 090953C\_school capacity review\_20100715.pdf  
 090953D\_environmental review\_20100715.pdf  
 090953E\_application & workshop info\_20100715.pdf  
 090953F\_pt1\_justification report\_20100715.pdf  
 090953G\_pt2\_justification report\_20100715.pdf  
 090953H\_legal description\_20100715.pdf  
 090953I\_100201 cpb minutes\_20100715.pdf  
 090953J\_staff ppt\_20100715.pdf

**090883.**

**PARKING STANDARDS FOR INTERMEDIATE CARE FACILITIES  
(B)**

**Ordinance No. 0-10-11; Petition PB-09-176-TCH.**

**An ordinance of the City of Gainesville, Florida, amending Section 30-332(c) of the Land Development Code, related to the parking requirements for hospitals, convalescent and nursing homes and personal care facilities; by creating a separate parking standard for Intermediate Care Facilities (IN-8052); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: The petition and ordinance amend Section 30-332(c) of the City's Land Development Code, to add a parking space standard for Intermediate Care Facilities. These are health care facilities that provide care to individuals who are disabled, elderly or ill, providing less intensive care than that given at a hospital or skilled nursing facility.*

*The continuance is recommended because the notice requirements for the petition hearing were not met in time for a public hearing to occur on July 1, 2010.*

*Should this ordinance pass on first reading on July 15, 2010, second and final reading will be held on August 5, 2010.*

**RECOMMENDATION**

*The City Commission (1) continue the petition hearing on Petition PB-09-176-TCH to a date certain of July 15, 2010; and (2) continue the first reading of the proposed ordinance to a date certain of July 15, 2010*

090883\_draft ordinance\_20100710.pdf  
 090883\_staff report\_20100715.pdf  
 090883A\_application & statement justification\_20100715.pdf  
 090883B\_additional data analysis\_20100715.pdf  
 090883C\_100201 cpb minutes\_20100715.pdf  
 090883D\_staff ppt\_20100715.PDF

**090321.**

**AMEND THE LAND DEVELOPMENT CODE TO ADD SOLAR**

**GENERATION STATION AS A PERMITTED USE IN THE AGRICULTURE ZONING DISTRICT (B)****Ordinance No. 0-09-66; Petition No. PB-09-77TCH**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville, by defining "solar generation station"; by adding "solar generation station" to the list of permitted uses in the Agriculture zoning district (AGR) and the General Industrial zoning district (I-2); by adding "solar generation station" to the list of specially regulated uses and imposing conditions on the use; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This ordinance defines "solar generation station" and allows such use by right in the Agriculture zoning district subject to certain design, environmental and safety requirements.*

*Planning staff developed this ordinance with input from GRU Strategic Planning staff in response to the City Commission's approval, on May 7, 2009, of the Community Development Committee's recommendation to allow development of solar fields by right within areas of the City with agricultural zoning.*

*The land development code currently allows solar power generation as a use by right in the General Industrial (I-2) zoning district under the SIC Code Division E (which includes electric services). To comply with the definitions and rules of construction in the Land Development Code, this ordinance adds "solar generation station" to the list of permitted uses in the I-2 zoning district so that it will continue to be a permitted use by right.*

*In addition, city staff currently interprets the Land Development Code to allow homes and businesses to have solar devices that produce power for net metering (primary consumption on-site) as an accessory use to the permitted principal use. In contrast, this ordinance is intended to define a principal use - an electrical energy plant generating solar power primarily for sale and consumption off-premises.*

*Public notice was published in the Gainesville Sun on June 30, 2009. On July 23, 2009, the City Plan Board heard the Petition and, by a vote of 7-0, recommended the City Commission approve the Petition with one correction and with the request that staff work on language to allow solar power generation as an accessory use to other uses in all districts.*

*On September 17, 2009, the City Commission heard this Petition and, by a vote of 6-0, approved the Petition.*

*In addition to this ordinance, in accord with the City Commission's approval on May 7, 2009 of the Community Development Committee's recommendation on Legislative No. 070980, Solar Panels vs. Removing Tree Canopy, there will be a*

*future petition to the Plan Board regarding solar development relative to other pertinent provisions of the Land Development Code.*

*CITY ATTORNEY MEMORANDUM*

*This ordinance requires two public hearings. If this ordinance is passed on first reading, second and final reading will be held on Thursday, July 15, 2010.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

9/17/09            City Commission            Approved (Petition) (6 - 0 - 1 Absent)

090321\_staff revisions\_20090917.pdf  
 090321B\_090507 ccom minutes\_20090917.pdf  
 090321C\_maps\_properties agrizoning dist\_20090917.pdf  
 090321D\_solar projects\_petitioner appl\_20090917.pdf  
 090321E\_090723 cpb minutes draft\_20090917.pdf  
 090321F\_staff ppt\_20090917.PDF  
 090321A\_staff report\_20090917.pdf  
 090321A\_staff ppt\_20100701.PDF  
 090321\_draft ordinance\_20100701.pdf

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

**091014.**

**AMENDMENT OF PS ZONING - ALACHUA COUNTY OPERATIONS AND ADMINISTRATION FACILITIES SITE (B)**

**Ordinance No. 0-10-18, Petition No. PB-10-17 PSZ**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas on certain property with the zoning category of "PS: Public services and operations district" within the City, as more specifically described in this ordinance, commonly known as the Alachua County Operations and Administration Facilities site located in the vicinity of 913 Southeast 5th Street; providing for uses permitted by right; providing for dimensional requirements and other development regulations; providing for the expansion of the Supervisor of Elections Operations and Storage Facility; approving a preliminary development plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*The Alachua County Operations and Administration Facilities site consists of 6.3 (MOL) acres. The land use designation is PF (Public Facilities), while the zoning designation is PS (Public services and operations district) for police facilities. The Alachua County Board of County Commissioners requests that the City of Gainesville adopt new permitted uses and dimensional requirements for this site, since it no longer serves as the Alachua County Sheriff's Office Complex. The new permitted uses and dimensional requirements are addressed in the associated Public Services Zoning Report and on the associated*

*preliminary development plan.*

*The Supervisor of Elections Operations and Storage Facility is one of the proposed permitted uses on the site. Expansion of the facility is subject to the approval of the associated preliminary development plan, as well as staff approval of a final development plan. The County must comply with a federal-mandated completion date for expanding this facility to address ADA and other requirements.*

*The Alachua County Operations and Administration Facilities site allows the County to serve the public at a location that is near other County facilities, which is consistent with the purpose and objectives of the PS zoning district. The proposed permitted uses on the site are representative of the County's administrative, operational and governmental functions, to which the PF land use classification applies. Although the site has petroleum contamination due to fuel pumps used at the Alachua County Sheriff's Office Complex, development activities are subject to the review and approval of the Alachua County Environmental Protection Department.*

*Public notice was published in the Gainesville Sun on April 6, 2010. Letters were mailed to surrounding property owners on April 6, 2010.*

*The City Plan Board considered Petition PB-10-17 PSZ with the associated Public Services Zoning Report and preliminary development plan at a public hearing held April 22, 2010. By a vote of 6 - 0, the City Plan Board approved the petition with staff conditions, and found the petition consistent with the Comprehensive Plan and the Land Development Code.*

**RECOMMENDATION**                      *The City Commission adopt the proposed ordinance.*

**Legislative History**

6/17/10      City Commission      Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

091014\_staff report\_20100617.pdf  
 091014A\_comp plan GOP\_20100617.pdf  
 091014B\_land development code\_20100617.pdf  
 091014C\_supplement doc\_20100617.pdf  
 091014D\_application and neighbhd workshp\_20100617.pdf  
 091014E\_technical review committe\_20100617.pdf  
 091014F\_100422\_cpb minutes draft\_20100617.pdf  
 091014G\_staff ppt\_2010617.PDF  
 091014H\_petitioner ppt\_20100617.PDF  
 091014\_draftordinance\_20100617.pdf

## PLAN BOARD PETITIONS

## DEVELOPMENT REVIEW BOARD PETITIONS

**090844.**

**Hidden Lake Design Plat, Phase II (B)**

**Petition DB-09-88 SUB Causseaux, Hewett and Walpole, Inc., agent for**

**Land Estates, LLC. Design plat review for Phase II of Hidden Lake Subdivision. Zoned PD (Planned Development). Located at NW 75th Place and NW 21st Way, Parcel No. 07814-002-001.**

*Explanation: Hidden Lake is a residential subdivision located in the 2700 block of SR121. It was approved by Alachua County in January 1983 as a Planned Unit Development with a gross density of 3.22 units per acre. City records indicate that Phase I, which includes 60 lots and associated open space was developed prior to January 8, 1991 on 31 acres. The PD was annexed into the City in 1992 (Ordinance 3769) and an application, Petition 61SUB-06 DB, was submitted to the City on August 10, 2006 for Phase II design plat review which includes 18 lots on 8.35 acres at a density of 2.2 units per acre.*

*This petition is the continuation of the April 1, 2010 hearing on Hidden Lake Design Plat, Phase II. The City Commission continued the petition so that the applicant could address several issues raised by residents at the April 1, City Commission hearing.*

*The issues included verification from Gainesville Fire Rescue as to whether a cul-de-sac was needed for a turnaround for fire trucks and directions to the applicant to hold a neighborhood workshop to address neighborhood concerns regarding wetlands, stormwater, traffic, sidewalks and the connection to Eryn's Gardens subdivision.*

*In response to the Commission's concerns, a neighborhood meeting was conducted on April 18, 2010 at 2:00pm; minutes of the meeting are attached.*

*Since the April 1, 2010 City Commission meeting, staff has determined that:*

- \* The cul-de-sac can be replaced with the new street-end design as shown on the modified design plat.*
- \* A vehicular connection cannot be constructed but a pedestrian/bicycle connection can be physically accommodated with coordination from the owners of Eryn's Garden.*
- \* The stormwater management system proposed for the development meets code and is adequate to handle the additional units proposed for Phase II.*
- \* The sidewalks should remain as part of the design for Phase II.*
- \* The proposed mitigation within the area to the south of Phase I will significantly enhance the overall environmental condition of the Hidden Lake area.*

*Public notice was published in the Gainesville Sun on January 27, 2010. The Development Review Board held a public hearing on February 11, 2010.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Commission - Continue this item to the August 5, 2010 regular City Commission Agenda.*

**Legislative History**

4/1/10	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
6/3/10	City Commission	Continued (Petition) (6 - 1)

090844\_staff comments\_20100401.pdf  
090844A\_development plans\_20100401.pdf  
090844B\_maps\_20100401.pdf  
090844C\_alachua cty pd\_20100401.pdf  
090844D\_100211 drb minutes\_20100401.pdf  
090844E\_staff ppt\_20100401.PDF  
090844\_petitionform\_20100401.pdf  
090844a\_petitionform\_20100401.pdf  
090844\_hidden lake revised\_20100603.pdf  
090844A\_original hidden lake 100401 ccom\_20100603.pdf  
090844\_quasijudicialform\_20100603.pdf  
090844\_petitionform\_20100401.pdf  
090844a\_quasijudicialform\_20100603.pdf  
090844\_petitionform\_20100603.pdf  
090844\_hidden lake revised\_20100701.pdf  
090844\_petitionform\_20100701.pdf  
090844\_quasijudicialform\_20100701.pdf  
090844A\_original hidden lake 100401 ccom\_20100701.pdf  
090844a\_quasijudicialform\_20100701.pdf  
090844B\_Memo CHW Ext Request\_20100701.pdf

## **SCHEDULED EVENING AGENDA ITEMS**

### **UNFINISHED BUSINESS**

### **COMMISSION COMMENT**

### **CITIZEN COMMENT (If time available)**

**ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**